<u>REMARKS</u>

This Revised Preliminary Amendment is filed to correct a minor informality in claims 1 and 64. In particular, claim 1, line 2, and claim 64, line 2 are amended to include the transition term "comprising:". For the convenience of the Examiner, the amendments submitted in the earlier-filed Preliminary Amendment, filed on February 16, 2007, in connection with a Request for Continued Examination (RCE), are repeated above in the present Revised Preliminary Amendment. Further, for the convenience of the Examiner, the remarks from the earlier-filed Preliminary Amendment are repeated below in the present Revised Preliminary Amendment.

<u>REMARKS FROM PRELIMINARY AMENDMENT FILED FEBRUARY 16, 2007</u>

Claims 1-55 and 64-88 are pending in the present application. Claims 1, 29, 64, 76, 87 and 88 are amended above. No new matter is added by the amendments to the claims. Entry is respectfully requested.

An English-language translation of Harras (DE 196 02 804 A1) is submitted for consideration by the Patent Office and is cited in an Information Disclosure Statement filed contemporaneously herewith. Harras (DE 196 02 804 A1) was originally cited in the present application in an Information Disclosure Statement dated November 21, 2002.

Harras fails to teach or suggest that "when data stored in the data layer corresponding to the distorted region is read in a reading operation, a measurable change in system performance of the reading operation results and the ability to perform a reading operation in the distorted region is maintained", as claimed in independent claims 1, 29, 64, 76, 87 and 88. Instead, in Harras, as recited at page 2, column 1, line 53 through column 2, line 1 and at page 2, column 2, lines 46-48 of the translation of Harras, a system error is generated that results in a read error, which can be fatal to system performance:

...a scan program attempts to read the files/data written according to 1. In the damaged locations, this will create problems, or the data will be reproduced in a modified fashion/incorrectly. This typically produces a sort of read error, which is known to occur on disks. With "Windows", generally the operating system would even abort the scan program by indicating a system error such as "Cannot read from the data medium", however the scan program suppresses this effect. (Harras translation, page 2, column 1, line 53 - page 2, column 2, line1)

...reading of the destroyed regions of the data medium is not possible (or is garbled). This produces a read error. Most operating systems consider this to be a system error... (Harras translation, page 2, column 2, lines 46-48)

Therefore, the approach specified in Harras does not maintain the ability to perform the reading operation in the distorted region, as claimed in independent claims 1, 29, 64, 76, 87 and 88. Instead, the reading operation in Harras undergoes a fatal system error, which ceases the read operation. Thus, the Harras approach does not result in a "measurable change in system performance" as claimed in independent claims 1, 29, 64, 76, 87 and 88; instead, the system ceases to perform in Harras when a modified region of the medium is encountered.

In addition, Harras fails to teach or suggest that "distorting comprises providing a convex feature at the first layer," as claimed in previously allowed independent claims 68 or "wherein the distorted region comprises a convex feature at the first layer," as claimed in claim 79.

Closing Remarks

It is submitted that all claims are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below.
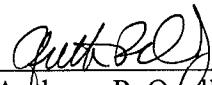
Authorization is hereby given to charge Deposit Account No. 501798 for any additional fees which may be due or to credit any overpayment.

Respectfully submitted,

Date: _April 30, 2007_

Mills & Onello, LLP
Eleven Beacon Street, Suite 605
Boston, MA 02108
Telephone: (617) 994-4900, Ext. 4902
Facsimile: (617) 742-7774
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Anthony P. Onello, Jr.
Registration Number 38,572
Attorney for Applicant

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